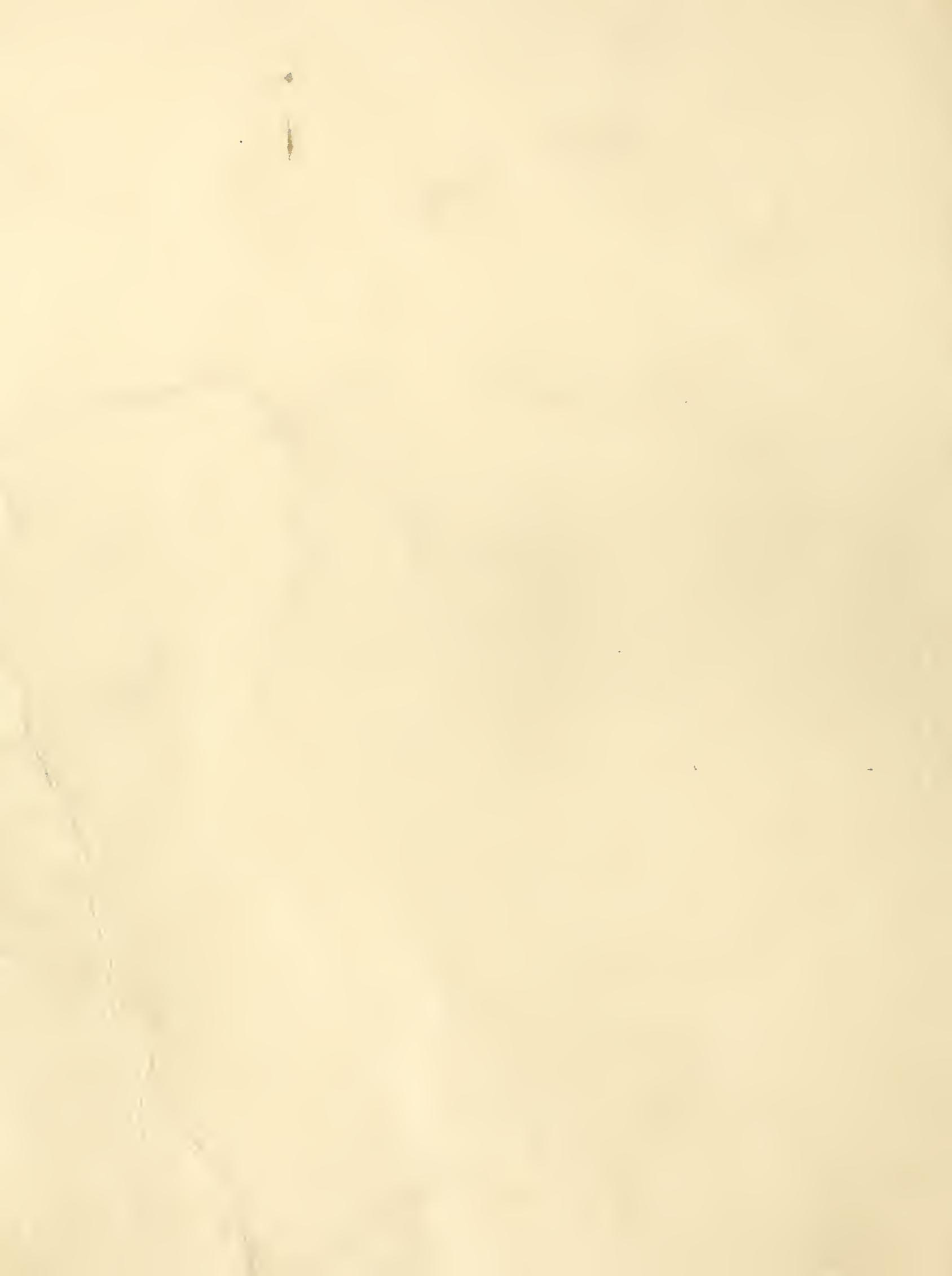
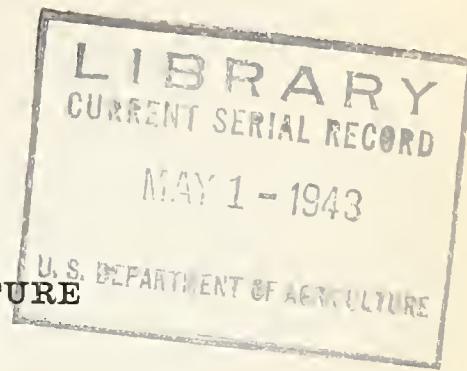


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MARCH 19, 1943



FOOD DISTRIBUTION ADMINISTRATION UNITED STATES DEPARTMENT OF AGRICULTURE

[FDO 34]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE, PROCESSING, AND DELIVERY OF GLYCERINE

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of glycerine to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1460.3 Glycerine; use, processing, and delivery restricted—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "glycerine" means any and all concentrations of glycerol, from whatever source derived and whether crude or refined.

(2) The term "producer" means any person engaged in the production of glycerine and includes any person who has glycerine produced for him pursuant to toll agreement and any person who, on splitting any fat or oil, is entitled to the glycerine resulting therefrom. The term does not include any refiner of glycerine.

(3) The term "refiner" means any person engaged in the refining of glycerine.

(4) The term "distributor" means any person who has purchased or purchases glycerine for purposes of resale.

(5) The term "base period" means the calendar year 1940.

(6) The term "person" means any individual, partnership, corporation, association, or other business entity.

(7) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery and use.* (1) No person shall deliver, accept delivery of, or use glycerine except as specifically authorized and directed by the Director.

(2) Authorizations or directions with respect to deliveries and use in each month will, so far as practicable, be issued by the Director prior to the commencement of such month, but the Di-

rector may, at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand. He may also at any time issue directions to a producer or refiner with respect to grades of glycerine to be produced or refined.

(3) Each person who is specifically authorized to accept delivery of glycerine shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the Director or as provided in paragraph (b) (4) hereof.

(4) Glycerine allocated for inventory shall not be used except as specifically authorized or directed by the Director. Glycerine allocated to fill a specific order or class of orders shall revert to inventory where and to the extent that such order or class of orders is not, for any reason, filled.

(c) *Exceptions to requirement for specific authorization.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization of the Director shall not be required for:

(1) Acceptance of delivery, or use, by any person in any calendar month of 50 pounds or less of glycerine in the aggregate. For the purposes of this paragraph (c) (1), the term "person" means usual purchasing unit, whether plant, distributing agency, corporation, or other legal entity.

(2) Use by (but not delivery to) the Army or Navy of the United States, United States Maritime Commission, or War Shipping Administration, without regard to quantity.

(3) Acceptance of delivery, or use, by any person, in any calendar month of not more than 1150 pounds of glycerine in the aggregate (but more than 50 pounds): *Provided, however,* That the quantity of which delivery may be accepted, or use made, in any calendar month shall be subject to the following additional restrictions:

(i) Where acceptance of delivery, or use, is by a hospital, clinic, research and control laboratory, or other institution whose primary object is the maintenance of public health, and where the glycerine

is to be used solely by the organization accepting delivery: no further restriction;

(ii) Where acceptance of delivery is by pharmacists for use in (or use is) the individual compounding of prescriptions of doctors, dentists, or veterinarians; or where acceptance of delivery is for (or use is) the manufacture of sterile solutions, ampoules, basic medicinal chemicals not in compounded form, dental impression compounds, biological preparations, and embalming fluids: no further restriction;

(iii) Where acceptance of delivery is for (or use is) the manufacture of other medicinal or veterinary preparations: a further restriction to one hundred percent of $\frac{1}{12}$ of the quantity of glycerine used in such manufacture in the base period;

(iv) Where acceptance of delivery or use is not within (i), (ii) or (iii) hereof; a further restriction to 70 percent of $\frac{1}{12}$ of the quantity of glycerine used in the base period;

(v) Where the amount of which delivery may be accepted under paragraphs (b) (1) and (c) (3) hereof does not represent a practical shipping unit or multiple thereof, such paragraphs shall not prevent the acceptance of delivery of an amount approximating such permitted quantity: *Provided, however,* That the difference shall in no event exceed more than one small drum (approximately 550 pounds) and that the person accepting delivery shall in the next succeeding order or orders make appropriate adjustment.

(4) The delivery by any person to any other person who shall have filed with the person making delivery a certificate in substantially the following form:

The undersigned purchaser hereby certifies to the United States Department of Agriculture, Food Distribution Administration, and to his supplier (1) that he is familiar with the terms of Food Distribution Order No. 34; (2) that the _____ pounds of glycerine hereby ordered for delivery in _____ month

194____, will not, taking into consideration all other glycerine ordered for delivery in such month, exceed the quantity which he is permitted by said order to receive without a specific authorization of the Director; (3) that his purchase falls within paragraph (c) (1); paragraphs (c) (3), (i), (ii), (iii), (iv) [Strike out inapplicable paragraphs] and (4) that he has not received any specific

authorization from the Director to receive or use glycerine during such month.

Name of Purchaser
By _____
Name of authorized official
Title _____

Date _____

Such certificate shall be signed by an authorized official of the purchaser. The receipt of such certificate shall not authorize the delivery of glycerine by a producer or distributor when he knows or has reason to believe the same to be false, but in the absence of such knowledge or belief, he may rely on the certificate. No certificate shall be required where the amount delivered to any person does not exceed one gallon.

(5) The delivery of crude glycerine to, or acceptance of delivery of crude glycerine by, a refiner, for refining or the refining of crude glycerine.

(d) *Prohibited use.* No person shall use or consume glycerine in the manufacture of any anti-freeze product or preparation.

(e) *Applications and reports.* (1) Each person requiring authorization to accept delivery of or use glycerine during any calendar month (including a person seeking authorization to accept delivery of glycerine for resale) shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery or use is requested. In each case the application shall be made upon War Production Board Form PD-600 or such other form or forms as may be prescribed by the Director. Forms may be obtained at regional offices of the Food Distribution Administration or local field offices of the War Production Board. Five copies shall be prepared, of which four shall be forwarded to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD 34, and the fifth retained as a file copy. For the purposes of this order, if War Production Board Form PD-600 is used, it shall be completed in the manner prescribed therein, subject to the following special instructions:

(i) On one of the four copies filed with the Director of Food Distribution, Tables II and III shall be left blank. An applicant seeking authorization to accept delivery or use at two or more plants shall file a separate set of Form PD-600 for each plant, unless authorized by the Director to file a consolidated application.

(ii) In the heading, under the name of chemical, specify "glycerine"; under WPB Order No., specify "FD-34"; under unit of measure, specify "pounds"; in the heading of Table I, insert in the blank the month and year for which authorization for acceptance of delivery or use is sought. Also state in the space under "supplier with whom this order is placed" the name of your usual supplier, and also list his shipping point.

(iii) In Columns 1, 11, and 19, specify grade or grades in terms of the following:

80% soap lye crude.
88% saponification crude.
Yellow distilled.
High-gravity (dynamite).
Chemically pure.
Other (describe).

(iv) In Column 3 specify your primary product in terms of the following, in each case specifying the item number listed below:

- 1 Drugs and pharmaceuticals.
- 2 Explosives.
- 3 Synthetic resins (specify).
- 4 Ester gums.
- 5 Rubber products.
- 6 Gaskets and cork products.
- 7 Cellulose films (specify).
- 8 Glassine and grease-proof paper (specify).
- 9 Printing rollers.
- 10 Printing supplies (specify).
- 11 Textile (printing, dyeing and finishing).
- 12 Leather products.
- 13 Adhesives (including book binding).
- 14 Paper other than #8.
- 15 Beverages, flavoring extracts, candy, and gum (specify).
- 16 Other edible products (specify).
- 17 Tobacco.
- 18 Cosmetics, toilet preparations, dentifrices, and shaving preparations (specify).
- 19 Chemical manufacture not elsewhere classified (specify).
- 20 Other class of product (specify).
- 21 Resale (as glycerine).
- 22 Inventory (see paragraph (b) (4)).

(v) In Column 4, specify ultimate use of product (for example, if the "primary product" called for by Column 3 is "glassine and grease-proof paper," the "ultimate use of product" might be "food wrapping"), and also specify in each case whether your customer is Army, Navy, other government agency, lend-lease, or commercial customer. If a primary product made has more than one ultimate use, indicate approximate percentage applicable to each use. Where the Form PD-600 is an application for glycerine for resale (as glycerine), or for glycerine for inventory, leave Column 4 blank.

(vi) In Column 10, specify your average monthly use of glycerine in 1940 and use in corresponding month in 1940 in each class of use for which authorization to accept delivery (or use) is sought.

(vii) Leave blank Table IV.

(viii) In each case where the application on Form PD-600 for authority to accept delivery of, or use, glycerine is granted, one copy of Form PD-600, signed by the Director, will be returned to the applicant. Where authorization is to accept delivery, a second copy will be sent by the Director to the supplier selected by the Director which will be his authorization to deliver as indicated on such copy.

(2) Each producer, refiner, or distributor who, in any month produces, refines, or delivers more than 1150 pounds of glycerine shall file with the Director on or before the 15th day of the succeeding month one copy of War Production Board Form PD-383A (revised)

or such other form or forms as may be prescribed by the Director.

(3) The Director may issue other and further directions to any such person with respect to preparing and filing Forms PD-600 and PD-383A (revised).

(f) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(g) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of glycerine shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(h) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(i) *Bureau of the Budget Approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of glycerine and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(l) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken

against him as the Director deems appropriate, including recommendations for prosecution under Section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of Section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(m) *General Preference Order M-58 superseded.* This order supersedes in all respects General Preference Order M-58 of the War Production Board (7 F.R. 10329) except that as to violations of said order or rights accrued,

liabilities incurred, or appeals taken under such order prior to the effective date hereof, said General Preference Order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said General Preference Order shall be considered under paragraph (k) hereof.

(n) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communica-

tions concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD 34.

(o) *Effective date.* This order shall be effective on March 24, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179)

Issued this 19th day of March 1943.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

Press Release—Immediate:

Monday March 22, 1943.

Closer control over the use of glycerine-needed for explosives and other war materials—is provided in Food Distribution Order No. 34 issued today by the Secretary of Agriculture to replace War Production Board Order M-58.

Effective March 24, authorization must be obtained from the Director of Food

Distribution to use more than 50 pounds of glycerine in any calendar month, although hospitals, clinics and others may obtain or use for medical and drug purposes up to 1,150 pounds monthly without special authorization.

The increasing need for glycerine for a variety of military products and the reduction in use of imported vegetable oils in soap production, which yield glycerine

as a by-product make it necessary to extend controls and conservation measures. The principal provisions of Order M-58 are continued in the Food Distribution Order, including the ban on the use of glycerine in anti-freeze fluids.

The Order will be administered by the Food Distribution Administration, which will receive reports and applications for authorization and make allocations required by the order.

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CURRENT USE
JUL - 7 1944
U.S. DEPARTMENT OF AGRICULTURE

FDO 34

PARTIAL SUSPENSION
MAR. 22, 1944

WAR FOOD ADMINISTRATION

[FDO 34 as Amended, Partial Suspension]

PART 1460—FATS AND OILS

PARTIAL SUSPENSION OF FOOD DISTRIBUTION
ORDER 34

Pursuant to the authority vested in the War Food Administrator, it is hereby ordered, as follows:

That, unless otherwise ordered by the

Director of Food Distribution, War Food Administration, the restrictions of paragraphs (b), (d), and (f) of Food Distribution Order 34, as amended (9 F. R. 52), § 1460.3 (b), (d), and (f), shall not apply to the use of glycerine by any person when such use occurs during the period beginning on the effective date of this order and ending on June 30, 1944.

This order shall become effective on April 1, 1944, at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 22d day of March, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration,
Summary to FDO 34 as amended.

The increased production of fats due to the unprecedented number of hogs which came to market during the early months of the year has resulted in a temporary suspension by the War Food Administration of restrictions on the use of glycerine for civilian needs.

The suspension will continue through April, May and June. It follows a 6

months period of relaxed restrictions. Prior to October 1, 1943, glycerine was denied for many civilian uses. It is anticipated that the suspension will enable the manufacturers of civilian goods to replenish their inventories.

Reporting requirements of FDO No. 34 remain unchanged. Users must continue to submit monthly reports on consumption to the Bureau of the Census on form BM-1; and producers, refiners and dis-

tributors still must report production, shipments and total stocks to the War Food Administration on form FDO 34-1 (Revised).

The temporary increased fat production should not be construed as meaning that there is no further need for salvaged kitchen fats. Requirements for fats of this type, known in the trade as hard fats, are greater now than ever and all waste should be avoided.

GPO—WFA 552—p. 1

include any refiner of glycerine.

(3) "Refiner" means any person engaged in the refining of glycerine.

(4) "Distributor" means any person who has purchased or purchases glycerine for purposes of resale.

(5) "Base period" means the calendar year 1940.

(6) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(7) "Director" means the Director of Food Distribution Administration, War Food Administration.

(b) *Restrictions on delivery and use.*
(1) No person shall deliver, accept delivery of, or use glycerine except as specifically authorized and directed by the Director, or as provided in paragraph (c) hereof.

(2) Authorizations or directions with respect to deliveries and use in each month will, so far as practicable, be issued by the Director prior to the commencement of such month, but the Director may, at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of glycerine to be delivered or then on hand. He may also at any time issue directions to a producer or refiner with respect to grades of glycerine to be produced or refined.

(3) Each person who is specifically authorized to accept delivery of glycerine shall use such glycerine for the purpose

graph (c) (1) each unit of an organization shall be considered as a separate person when such unit makes separate purchases of glycerine from other persons as a part of its usual operations.

(2) Acceptance of delivery, or use, by any person, in any calendar month of not more than 1150 pounds of glycerine in the aggregate (but not more than 50 pounds): *Provided, however,* That the quantity of which delivery may be accepted, or use made, in any calendar month shall be subject to the following additional restrictions:

(i) Where acceptance of delivery, or use, is by a research and control laboratory whose primary object is the maintenance of public health, or a hospital, or clinic, and where the glycerine is to be used solely by the organization accepting delivery: No further restriction;

(ii) Where acceptance of delivery is by pharmacists for use in (or use is) the individual compounding of prescriptions of doctors, dentists, or veterinarians; or where acceptance of delivery is for (or use is) the manufacture of sterile solutions, ampoules, basic medicinal chemicals not in compounded form, dental impression compounds, or biological preparations: no further restriction;

(iii) Where acceptance of delivery is for (or use is) the manufacture of other medicinal or veterinary preparations: a further restriction to one hundred percent of $\frac{1}{12}$ of the quantity of glycerine used in such manufacture in the base period;

(iv) Where acceptance of delivery or use is not within (i), (ii) or (iii) hereof;

from the Director to
during such month.

Name of purchaser

By _____
Name of authorized official

Date _____ Title _____

Such certificate shall be signed by an authorized official of the purchaser. The receipt of such certificate shall not authorize the delivery of glycerine by a producer or distributor when he knows or has reason to believe the same to be false, but in the absence of such knowledge or belief, he may rely on the certificate. Such certificate must be retained by the supplier for at least two years, as a part of his records. No certificate shall be required where the amount delivered to any person does not exceed one gallon.

(4) The delivery of crude glycerine to, or acceptance of delivery of crude glycerine by, a refiner for refining or the refining of crude glycerine.

(d) *Shipping overages.* Where the amount of glycerine which a person may accept delivery of under paragraphs (b) (1) or (c) (2) hereof does not represent a practical shipping unit or multiple thereof, the restrictions of such paragraphs shall not prevent the delivery and acceptance of delivery of an amount approximating such permitted quantity: *Provided, however,* That where delivery is by drum, the excess over the permitted quantity shall in no event exceed more than one small drum (approximately 550

pounds), and where delivery is by tank car, the excess over the permitted quantity shall not exceed 5% of the permitted quantity. All overages of glycerine acquired by any person pursuant to this paragraph shall revert to such person's inventory and shall be subject to the provisions of this order with respect to inventories.

(e) *Prohibited use.* No person shall use or consume glycerine in the manufacture of any anti-freeze product or preparation except aircraft de-icing fluids.

(f) *Applications to deliver, accept delivery of, or use glycerine.* (1) Applications for delivery, or acceptance of delivery, or use, of glycerine shall be made on Forms FDA-477 and FDA-478, or such other form or forms, and in such manner as the Director shall prescribe. Applications must be received by the Fats and Oils Branch, Food Distribution Administration, Washington 25, D. C., on or before the fifteenth day of the month preceding the month for which authorization for delivery, acceptance of delivery or use is requested.

(2) In filling out Form FDA-478 the following instructions shall be followed:

(i) In Columns 1 and 7 and the appropriate column in Table III specify grade or grades in terms of the following:

80% soap lye crude.
88% saponification crude.
Yellow distilled.
High-gravity (dynamite).
Chemically pure.
Other (describe).

(ii) In Column 2 specify your primary product in terms of the following, in each case specifying the item number listed below:

1 Drugs and pharmaceuticals.
2 Explosives.
3 Synthetic resins (specify).
4 Ester gums.
5 Rubber products.
6 Gaskets and cork products.
7 Cellulose films (specify).
8 Glassine and grease-proof paper (specify).
9 Printing rollers.
10 Printing supplies (specify).
11 Textile (printing, dyeing and finishing).
12 Leather products.
13 Adhesives (including book binding).
14 Paper other than #8.
15 Beverages, flavoring extracts, candy, and gum (specify).
16 Other edible products (specify).
17 Tobacco.
18 Cosmetics, toilet preparations, dentifrices, and shaving preparations (specify).
19 Chemical manufacture not elsewhere classified (specify).
20 Other class of product (specify).
21 Resale (as glycerine).
22 Inventory (see paragraph (b)(4)).

(3) In each case where the application on Form FDA-478 for authority to accept delivery of, or use, is granted, one copy of Form FDA-478 signed by the Director will be returned to the applicant and will constitute his authorization for acceptance of delivery or use. When an authorization to make delivery of glycerine is granted, one copy of Form FDA-477, signed by the Director, will be sent by the Director to the supplier selected

by the Director and will constitute the supplier's authorization to make delivery as indicated on such copy.

(g) *Intra-company deliveries.* The restrictions contained in this order with respect to deliveries shall, unless otherwise ordered by the Director, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(h) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(i) *Records and reports.* (1) Each producer, refiner, or distributor who, in any month produces crude glycerine, refines crude glycerine, or delivers more than 1150 pounds of glycerine shall file with the Director on or before the 15th day of the succeeding month one copy of Form FDO-34-1 or such other form or forms as may be prescribed by the Director.

(2) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in glycerine.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of glycerine of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref.: FDO 34. Such petition shall set forth all pertinent facts and the nature of relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(l) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using glycerine, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref: FDO 34.

(n) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(o) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, and the District of Columbia.

(p) *General Preference Order M-58 superseded.* This order supersedes in all respects General Preference Order M-58 of the War Production Board (7 F.R. 10329) except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under such order prior to the effective date hereof, said General Preference Order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said General Preference Order shall be considered under paragraph (k) hereof.

(q) *Effective date.* This amendment shall become effective on the 20th day of October 1943, at 12:01 e. w. t. However, with respect to violations of Food Distribution Order No. 34, or rights accrued or liabilities incurred thereunder, prior to said date, said Food Distribution Order No. 34 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9354, 8 F.R. 5423)

Issued this 18th day of October 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

Press Release, Immediate:
October 19, 1943.

The War Food Administration has amended Food Distribution Order No. 34, which controls the use of glycerine, to effect several minor changes. The basic provisions of the original order remain the same.

The amended order—effective October 20—permits consumers receiving glycerine by tank car to accept up to 5 percent in excess of the quantity allocated if necessary to complete a practical shipping unit. The original order restricted this excess quantity to 550 pounds (one small drum).

The amendment also permits use of glycerine for aircraft de-icing fluids, and

requires the use of Food Distribution Administration forms 477 and 478 for filing monthly applications for allocation, instead of War Production Board form PD-600. Use of glycerine was controlled prior to last March 24 under a WPB order (m-58). The new forms are available at all FDA regional offices.

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FDO 34

AMDT. 2
DEC. 30, 1943

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WAR FOOD ADMINISTRATION

[FDO 34, Amdt. 2]

PART 1460—FATS AND OILS

GLYCERINE

Food Distribution Order 34, as amended (8 F.R. 14194), issued by the Assistant War Food Administrator on October 18, 1943, is amended to read as follows:

§ 1460.3 Glycerine; use and distribution restricted—(a) Definitions:

(1) The term "glycerine" means any and all concentrations of glycerol, from whatever source derived and whether crude or refined.

(2) The term "producer" means any person engaged in the production of glycerine and includes any person who has glycerine produced for him pursuant to a toll agreement and any person who, on splitting any fat or oil, is entitled to the glycerine resulting therefrom. The term does not include any refiner of glycerine.

(3) The term "refiner" means any person engaged in the refining of glycerine.

(4) The term "distributor" means any person who has purchased or purchases glycerine for purposes of resale.

(5) The term "base period" means the calendar year 1940.

(6) The term "calendar quarter" means any of the several three-month periods beginning on January 1, April 1, July 1, or October 1 of any year.

(7) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(8) The term "Director" means the Director of Food Distribution Administration, War Food Administration.

(b) **General restriction on use.** Except as provided in (c) and (d) hereof, no person shall use glycerine, unless and except as specifically authorized by the Director. Applications for such authorization shall be made on Form FDA-478, or such other form or forms as the Director may prescribe.

(c) **Unrestricted uses.** Notwithstanding the provisions of (b) hereof, specific authorization by the Director shall not be required for the use by any person of glycerine in any class of use listed in Schedule A below.

SCHEDULE A

- | Class of use | Permitted percentage |
|---|----------------------|
| (1) The manufacture of, or use as, aircraft deicing fluid. | 100 |
| (2) The manufacture of camouflage cloth and camouflage paint. | 100 |
| (3) The manufacture of cellulose meat casings. | 100 |
| (4) The manufacture of cutting oils and cutting oil emulsifiers. | 100 |
| (5) The manufacture of drugs, pharmaceuticals, and medical supplies. | 100 |
| (6) The manufacture of emulsifiers for margarine. | 100 |
| (7) The manufacture of emulsifiers for shortening. | 100 |
| (8) The manufacture of, or use as, evaporation and oxidation inhibitor for ethyl fluid for aviation gasoline. | 100 |
| (9) The manufacture of explosives. | 100 |
| (10) The manufacture of fire retardant. | 100 |
| (11) The manufacture of mechanical and food closure gaskets. | 100 |
| (12) The manufacture of grinding compounds. | 100 |
| (13) The manufacture of, or use as, hydraulic fluid. | 100 |
| (14) The manufacture of industrial pressure sensitive tape. | 100 |
| (15) Use in the processing of leather. | 100 |
| (16) The manufacture of leather substitutes for shoe linings. | 100 |
| (17) The manufacture of litharge-glycerine cement. | 100 |
| (18) The manufacture of, or use as, a lubricant for machines or ships. | 100 |
| (19) The manufacture of masking compounds for military or naval aircraft. | 100 |
| (20) The manufacture of metal drawing compounds. | 100 |
| (21) The manufacture of flotation reagents for concentrating minerals. | 100 |
| (22) Use in concentration of minerals by flotation. | 100 |
| (23) The manufacture of packing compounds. | 100 |
| (24) The manufacture of parachute cloth. | 100 |
| (25) The manufacture of printing rollers. | 100 |
| (26) The manufacture of printing supplies. | 100 |
| (27) Use in the quick freezing of food. | 100 |
| (28) Use in research and control laboratories for testing or experimental purposes. | 100 |
| (29) The manufacture of resins for impregnating and sealing fiber containers for oil, gasoline, paint, food, water, or corrosive chemicals. | 100 |
| (30) Use in the processing of rubber. | 100 |
| (31) The manufacture of photosensitive paper. | 100 |
| (32) The manufacture of shoe adhesives. | 100 |
| (33) The manufacture of soldering flux. | 100 |
| (34) The manufacture of textile dyes. | 100 |
| (35) The manufacture of textile oils. | 100 |
| (36) The manufacture of welding electrodes. | 100 |

Class of use

- (37) The manufacture of any product delivered or contracted for delivery to any of the agencies or persons named in (e) (2) hereof, or the manufacture of any intermediate product to be used in the manufacture of such a product.
- (d) **Uses subject to quota restrictions.** Notwithstanding the provisions of (b) hereof, specific authorization by the Director shall not be required for the use of glycerine by any person in any calendar quarter in any class of use listed in Schedule B below, in a quantity not in excess of a quota equal to the percentage specified for such class of use in said Schedule B of the quantity of glycerine used in the corresponding calendar quarter of the base period by such person in such class of use.

SCHEDULE B

Class of use	Permitted percentage
(1) The manufacture of adhesives	100
(2) The manufacture of beverages, flavors, candy, and gum	100
(3) The manufacture of cellophane other than cellophane caps or bands	100
(4) The manufacture of cellophane caps and bands	100
(5) The manufacture of cork products (other than mechanical gaskets, food closures, and crown liners)	100
(6) The manufacture of cosmetics, toilet preparations, dentifrices, and shaving preparations	100
(7) The manufacture of crown liners	100
(8) The manufacture of glassine and greaseproof paper	100
(9) The manufacture of paper (other than photosensitive, glassine or greaseproof paper)	100
(10) The manufacture of protective coatings, including, but not limited to, alkyd resins, ester gums, and varnishes	100
(11) The manufacture of synthetic detergents and emulsifiers (other than emulsifiers for margarine or shortening)	100
(12) Textile printing, dyeing, and finishing	100
(13) Processing of tobacco	100

In addition to the amounts of glycerine which may be used pursuant to the foregoing provisions of this paragraph (d), any person, in any calendar quarter, may use, in the aggregate, in classes of use listed under Schedule B hereof, 3500

pounds or less of glycerine, without specific authorization by the Director.

(e) *Exceptions.* (1) Notwithstanding the provisions of (b) hereof, any person, in any calendar quarter may use, in the aggregate, in classes of use not listed under Schedule A of (c) or Schedule B of (d) hereof, 50 pounds or less of glycerine, without specific authorization by the Director.

(2) The restrictions of (b) and (d) hereof shall not apply to the use of glycerine by the Army, Navy, Marine Corps, or Coast Guard of the United States; the War Shipping Administration; the United States Maritime Commission; The Veterans' Administration; or any other instrumentality or agency designated by the War Food Administrator.

(3) The restrictions of (b) hereof shall not apply to the use of crude glycerine by a refiner for the production of refined glycerine.

(f) *Prohibited uses.* Notwithstanding any other provision of the order:

(1) No person shall use or consume glycerine in the manufacture of any antifreeze product for use as a coolant in gasoline or Diesel engines, nor shall any person use glycerine as a coolant in a gasoline or Diesel engine.

(2) No person shall use or consume glycerine in the manufacture of soap other than shaving soap or cream.

(3) No person shall use glycerine or an emulsifier containing glycerine in the manufacture of margarine, unless the amount of glycerine present in the finished margarine, which was added as a separate ingredient (including glycerine added as a separate ingredient in producing an emulsifier used in the manufacture of such margarine), does not exceed 0.06 percent of the fat content of such margarine, computed on a weight basis.

(4) No person shall use glycerine or an emulsifier containing glycerine in the manufacture of shortening, unless the amount of glycerine present in the finished shortening, which was added as a separate ingredient (including glycerine added as a separate ingredient in producing an emulsifier used in the manufacture of such shortening), does not exceed 1 percent of the fat content of such shortening, computed on a weight basis.

(g) *Further allocations.* Notwithstanding any other provision of this order, the Director is authorized to issue, at any time, orders requiring glycerine to be set aside for sale and delivery to governmental agencies, or restricting the grades of glycerine which may be produced or refined by a producer or refiner.

(h) *Records and reports.* (1) Each producer, refiner, or distributor who, in any month produces crude glycerine, refines crude glycerine, or delivers more than 1150 pounds of glycerine shall file with the Director on or before the 15th day of the succeeding month one copy

of Form FDO-34-1 (Revised) or such other form or forms as may be prescribed by the Director.

(2) Every person who uses or consumes 1150 pounds or more of glycerine in any calendar month shall fill out and file, on or before the 15th day of the following month, Bureau of the Census Form BM-1, with the Bureau of the Census, Washington 25, D. C. The foregoing provision shall not be construed as requiring any person to file more than one Form BM-1 for any calendar month.

(3) Every person subject to this order shall, for at least two years (or such period of time as the Director may designate), maintain an accurate record of his transactions in glycerine. Such records shall reflect the amount of glycerine used by him in each calendar quarter in each class of use listed in Schedule "A" of (c) and Schedule "B" of (d) hereof.

(4) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(5) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stock of glycerine of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(j) *Petition from relief of hardship.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship on him, because he did not use glycerine in the base period, or used in such period a substantially lower amount of glycerine than his current requirements, or for any other reason, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 34. Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(k) *Prior relief cancelled.* Any base period use of glycerine established for a petitioner prior to the effective date of this amendment under the appeal provisions of War Production Board Order K-58 (7 F.R. 10329) or Food Distribution Order 34 (8 F.R. 3476) or Food Distribution Order 34, as amended (8 F.R. 14194) is hereby cancelled. Any person affected by this cancellation may apply for relief in accordance with (j) hereof.

(l) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using glycerine, or any other material subject to the priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(m) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C. Ref. FDO 34.

(o) *Territorial extent.* This order shall apply only in the 48 States of the United States, and the District of Columbia.

(p) *Effective date.* This amendment shall become effective at 12:01 a. m., e. w. t. January 1, 1944. However, with respect to violations of said Food Distribution Order 34, as amended, or rights accrued or liabilities incurred thereunder prior to said date, said Food Distribution Order 34, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 30th day of December 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration.

Summary to FDO-34, Amendment 2.

The War Food Administration has revised controls over the use of glycerine by issuing a limitation order, effective January 1, 1944, to replace the allocation order now in effect.

The new regulations, contained in an amendment to Food Distribution Order No. 34, provide adequate quantities of the liquid for military and essential civilian uses, and will permit many users to obtain their current needs without securing specific authorization for delivery.

Practically all the known uses of glycerine are divided by the amended order into 2 groups. Group "A" includes strictly essential uses for which the quantity of glycerine is not limited. Group "B" includes important, but less essential, uses for which the available quantity is limited. Provision is made for application to the Director of Food Distribution for glycerine to be used in products not listed in either of the 2 groups. Any user, however, may obtain 50 pounds per quarter without restriction.

The use of glycerine still is prohibited for the manufacture of anti-freeze prep-

arations used as coolants in Diesel and gasoline engines, and for the manufacture of soap, except shaving soaps and creams.

The quantity of added glycerine used in the manufacture of emulsified margarine and shortening still is limited to 0.06 and 1 percent respectively, based on the fat content computed on a weight basis.

Producers and refiners of crude glycerine, as well as distributors of more than 1,150 pounds per month, still are required to file monthly reports on Form FDO 34-2.

